

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

MAR - 4 2019

David J. Bradley, Clerk

United States of America

v.

Hector Javier IBANEZ, Jr.

YOB: 1999 COC: USA

Case No. *M-19-0512-M**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 3, 2019 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:*Code Section*Title 18 United States Code,
Section 111(a)(1)*Offense Description*intentionally forcibly assault, resist, oppose, impede, intimidate and interfere
with Customs and Border Protection Officers Alfonso Gomez and Ibrahim
Bawa who are federal officers who were engaged in the performance of their
official duties.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.Approved *Laura Garcia*
AUSA*R. Deanda*

Complainant's signature

Ricardo Deanda, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/04/2019*8:14 am**Peter E. Ormsby*

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U. S. Magistrate Judge

Printed name and title

Attachment A

Before the United States Magistrate Judge, Southern District of Texas, I, Ricardo Deanda, Special Agent, United States Immigration and Customs Enforcement, Homeland Security Investigations, being duly sworn, depose and say the following:

On March 3, 2019, United States Customs and Border Protection (CBP) requested assistance from Homeland Security Investigations (HSI) from the office of the Resident Agent in Charge, Falcon Heights, Texas regarding the arrest of Hector Javier Ibanez, Jr. for the assault on a Federal Officer. HSI Special Agent (SA) Ricardo Deanda responded to the Roma Texas Port of Entry (POE) to investigate.

On March 3, 2019, Customs and Border Protection Officers (CBPO) assigned to the Roma, Texas Port of Entry (POE) were conducting their official duties at the mid bridge pre-inspection booth, when they encountered IBANEZ. During the initial inspection, CBPO's asked IBANEZ for documents for proof of citizenship to which he yelled at CBPO's stating he did not have or need any documents because he was a United States Citizen. IBANEZ was then asked to stop yelling and cooperate as CBPO's continued to ask for proof of citizenship. IBANEZ continued to ignore CBPO's request and started making verbal threats of physical harm while getting into a fighting stance and clinching his fists. CBPO's then attempted to grab IBANEZ left arm to take him into custody at which time IBANEZ pulled his arm away. IBANEZ then attempted to punch one of the CBPO's, but the punch was immediately stopped by another CBPO. CBPO's then secured IBANEZ against the bridge rail, where IBANEZ continued to resist and forcefully kick his feet back in attempt to strike the CBPO's. IBANEZ was then safely secured in handcuffs and escorted by the two CBPO's inside the Roma POE for further inspection.

IBANEZ was read his Miranda Rights in the English language by HSI's Special Agents which he understood and waived his right to having an attorney present during questioning. During questioning, IBANEZ readily admitted that he was resisting CBPO's who were attempting to arrest him.

IBANEZ was placed under arrest and transported to the Starr County Jail to await his initial appearance before the United States Magistrate Judge in McAllen, Texas.